

### **REMARKS**

Claims 1-39 are pending and at issue in the application. Independent claims 1, 20, 24 and 35 are amended to recite process control information automatically generated by a device of a processing plant. Claims 7, 8, 10-14 are amended to conform with their independent claims. No new matter is added by these amendments.

The applicants respectfully traverse the rejection of claims 1, 4, 7-11, 14-18, 35, 36 and 38 under 35 U.S.C. §102(e) as anticipated by Bjornson (U.S. Patent No. 6,505,145), the rejection of claims 5 and 6 as obvious over Bjornson, the rejection of claims 2, 3, 20-34, and 39 as obvious over Bjornson in view of Agrusa et al. (U.S. Publication No. 2004/0024891), the rejection of claims 12, 13 and 37 as obvious over Bjornson in view of Keeler et al. (U.S. Patent 5,386,373), and the rejection of claim 19 as obvious over Bjornson in view of Funkhouser (U.S. Patent 5,784,570). Reconsideration and withdrawal of these rejections is respectfully requested.

Generally, the claimed method and system provides a process for remotely collecting process control information from devices of a process control system in a process plant, where the devices and equipment of the process plant generate the process control information automatically through their normal operation. As discussed in the specification, these devices, which may be field devices (e.g., valves and sensors), process controllers, workstations, etc., generally include processors that execute instructions stored in a memory to operate on a physical parameter of the plant via control signals and/or that monitor a physical parameter by receiving input signals. According to the claimed system, these input and output signals (or other signals) generated automatically by the various devices of the process control system are transmitted to a remotely located external entity via an open network for analysis.

Using the claimed method and system, a third party entity, for example, may operate a remotely located primary server that is communicatively coupled to an open network in which one or more processing control systems may be coupled. Via this open network, the primary server may remotely receive process control information automatically generated by the devices of the process control system in the process plants. The remote third party entity may then use data processing applications on the received process control information and

send analysis results generated by the data processing application(s) back to one or more of the processing plants via the same open network.

A benefit of the claimed process is that the work involved in operating the data processing applications may be efficiently redistributed to a third party entity, thereby eliminating or reducing the need for an individual processing plant to devote personnel in maintaining or operating equipment (e.g., servers and databases) required to operate the data processing functions. Existing methods of measuring and monitoring process control information, on the other hand, generally make redistribution of data processing difficult if not impossible. For example, as described in the specification, some existing systems of measurement and monitoring may restrict communications by using proprietary communications protocols that are not open, thereby making it impossible to share analytical resources between physically separate or remote plants, much less between plant owners and different business entities. Moreover, some existing monitoring systems require human involvement in collecting information at the front end (i.e., at an equipment location). These existing systems therefore require significant human interaction and fail to capture the benefit of using device generated signals for analysis. Moreover, these systems rely on operator provided data regarding the state of equipment, which can be subjective and unreliable.

In light of the above discussion, Applicants note that each of claims 1, 4, 7-11, 14-18, 35, 36, and 38 specifically recites a server that uses a data processing application to generate analysis results from process control information that is automatically generated by a plant device and that is received via an open network (i.e., remotely). Bjornson does not disclose remotely generating analysis results from process control information that is automatically generated by a plant device. Therefore, Bjornson cannot anticipate any of claims 1, 4, 7-11, 14-18, 35, 36, and 38.

While Bjornson discloses a computer system for guiding an operator in diagnosing a seal problem in a process plant, Bjornson fails to disclose process control information automatically generated by a process plant device. Specifically, Bjornson discloses providing a series of diagnostic help screens to a user or an operator to assist that user or operator in manually collecting information on a mechanical seal problem. Information on the mechanical seal problem originates from a user's or an operator's physical observation of a physical seal and leads to the user or operator manually inputting his or her observations into

the system via a workstation or other computer running the Bjornson software. Subsequently, the manually entered information is collected and sent to an outside party (such as an equipment supplier) for analysis to determine whether the problem may be corrected by providing an operator at the plant with instructions or whether the problem requires a maintenance visit by an outside contractor.

Contrary to Bjornson, the claimed method and system generates analysis results on remotely received (via the open network) process control information that is automatically generated by devices of the process control system within a process control plant. This process control information may include, for example, the various inputs and outputs that are generated through the normal operation of the plant devices. In any event, the claimed system does not require manually inputted data from a plant operator. Because Bjornson fails to disclose a remote server that analyzes process control information generated automatically by one or more devices of a processing plant, Bjornson does not anticipate any of the pending claims.

Moreover, Applicants respectfully traverse the rejection of any of the pending claims as obvious over any combination of Bjornson, Agrusa et al., Keeler et al., and Funkhouser. While Bjornson discloses analyzing operator observed data regarding a seal problem, Bjornson fails to disclose remotely analyzing process control information that is automatically generated by a plant device. Specifically, the entire Bjornson system is designed to offer mechanical seal solutions based on operator observed data from a process plant. Bjornson fails to recognize any need for or benefit of considering, much less analyzing, process control information automatically generated by a plant device in determining a mechanical seal problem. Thus, even if the Bjornson software could be installed in a plant having plant devices that automatically generate data, Bjornson does not recognize any use of operating on the device generated data.

Moreover, none of Agrusa et al., Keeler et al., or Funkhouser et al. discloses or teaches remotely generating analysis results from process control information that is automatically generated by a plant device, nor has the Examiner cited them for this purpose. While Agrusa et al. discloses a computer that interconnects two or more computers within the same plant that operate using different communication protocols, Agrusa et al. fails to disclose or teach analyzing the data being communicated between the two or more

computers. Moreover, Agrusa et al. fails to disclose that the communication connections from the first and second computer (running on a first and second protocol) can or should be provided remotely (e.g., over an open network), and thus, fails to disclose remotely analyzing any kind of data, much less process control information automatically generated by a remote plant device.

Furthermore, while Keeler et al. discloses processing, within a process plant, inputs from sensors in the process plant to detect emission levels, Keeler et al. also fails to disclose or teach remotely analyzing process control information automatically generated by a process plant device. Funkhouser simply fails to disclose the use of any process plant device, much less remotely analyzing process control information automatically generated by a plant device.

It is clear that the prior art must make a suggestion of or provide an incentive for a claimed combination of elements to establish a *prima facie* case of obviousness. See, *In re Oetiker*, 24 U.S.P.Q.2d 1443, 1446 (Fed. Cir. 1992); *Ex parte Clapp*, 227 U.S.P.Q. 972, 973 (Bd. Pat. App. 1985). This principle holds true even if the applied art could be modified to produce the invention recited by the pending claims. See, *In re Mills*, 16 U.S.P.Q.2d 1430, 1432 (Fed. Cir. 1990); *In re Gordon*, 221 U.S.P.Q. 1125, 1127 (Fed. Cir. 1984) ("The mere fact that the prior art could be so modified would not have made the modification obvious unless the prior art suggested the desirability of the modification.") Because none of Bjornson, Agrusa et al., Keeler et al., and Funkhouser discloses or teaches remotely generating analysis results from process control information that is automatically generated by a plant device, no combination of Bjornson, Agrusa et al., Keeler et al. and Funkhouser can render any of the pending claims obvious.

**CONCLUSION**

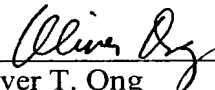
For the foregoing reasons, applicants respectfully request reconsideration and withdrawal of the rejections and allowance of claims 1-39. Applicants believe that no additional fee is due. However, the commissioner is hereby authorized to charge any deficiency in the amount enclosed or any additional fees which may be required to Deposit Account No. 13-2855.

If there are matters that can be discussed by telephone to further the prosecution of this application, applicants respectfully request that the Examiner call its attorney at the number listed below.

Respectfully submitted,

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